

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SALVATORE GITTO and PHYLLIS GITTO,

Plaintiffs,

Civil Action No. 07 CV 4771 (DC)

- against -

**DECLARATION OF
JEROME H. BLOCK
IN SUPPORT OF
MOTION TO REMAND**

A.W. CHESTERTON CO., INC., *et al.*,

Defendants.

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JEROME H. BLOCK, an attorney at law duly admitted to practice before the courts of the State of New York and the United States District Court for the Southern District of New York, hereby declares under penalty of perjury that the foregoing is true and correct:

1. I am a member of the law firm of Levy Phillips & Konigsberg LLP, counsel to plaintiff Phyllis Gitto who is continuing this lawsuit on behalf of herself and her late husband Salvatore Gitto, who recently died from mesothelioma on July 3, 2007. I am fully familiar with the facts set forth in this Declaration, which is submitted in support of Plaintiffs' Motion to Remand.

2. Attached as Exhibit A is a true and correct copy of Standard Complaint No. 1 which is applicable to this lawsuit, as limited by the Second Amended Complaint, filed in this action on May 30, 2007.

3. Attached as Exhibit B is a true and correct copy of Excerpts of the Depositions of Salvatore Gitto dated May 16, 2007 and June 7, 2007.

4. Attached as Exhibit C is a true and correct copy of the transcript of the videotaped deposition of Salvatore Gitto dated June 7, 2007.

5. Attached as Exhibit D is a true and correct copy of the Letter Opinion of the Honorable John W. Bissell, remanding an asbestos case removed on federal officer removal grounds by an equipment manufacturer, in *Feidt v. Owens Corning Fiberglas, Inc., et al.*, Civil Action No. 96-4349 (Jan. 6, 1997, D. NJ).

6. Attached as Exhibit E is a true and correct copy of the Correction to the Declaration of Captain Arnold P. Moore, USNR (RET.), P.E.

7. Attached under the tab labeled "Moore Decl." is a true and correct copy of the Declaration of Captain Arnold P. Moore, USNR (RET.), P.E., with a true and correct copy of the enumerated exhibits 1 through 16 attached thereto.

Dated: New York, New York
August 3, 2007

LEVY PHILLIPS & KONIGSBERG, LLP

By: _____/s/
Jerome H. Block (JB-5411)
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